

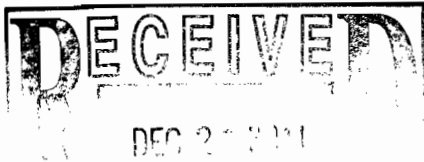
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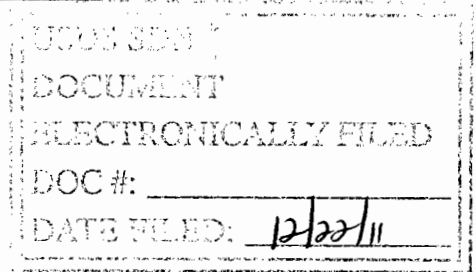
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December 20, 2010

## MEMO ENDORSED

Hon. Colleen McMahon, U.S.D.J.  
United States District Court  
Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: In re AOL Time Warner, Inc. ERISA Litigation  
No. 02 Civ. 8853 (CM)**

Dear Judge McMahon:

As the Court may recall, I served as the Special Master in several of the AOL matters, including the derivative action over which you presided after Judge Kram's passing (02-Cv-6302) and the prior ERISA litigation (02-Cv-8853). As the year draws to close, I am wondering if I can trouble you with one final detail to close those matters.

Last winter, I had submitted fee applications for those two cases. In each case, Your Honor instructed the service list to file any objections within 10 days. There appear to have been no objections filed in either case. Your Honor, accordingly, was kind enough to endorse an order approving my fee request in the derivative action. On the other hand, there is no recorded approval or other determination on the docket of the ERISA case (02-Cv-8853).

As noted in the application, counsel were apprised at their request of my fee computation and have actually sent a check, which I have been holding in escrow. I believe that, pursuant to Rule 53, I should obtain Court approval via an order before the funds are accepted, even though there has been no objection. Given the mass of material that the Court inherited upon Judge Kram's passing, it may be that this final matter was understandably overlooked.

For the Court's convenience, I am enclosing a copy of my application, as well as a proposed order. If there is anything further that I can do, please let me know.

*I have no idea  
what happened  
to the other  
order -  
he had known  
you  
knew  
you  
feel  
Colleen McMahon  
12/22/11*

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Hon. Colleen McMahon  
December 20, 2011  
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Please accept my gratitude once again and my best wishes for the holidays.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'D. H. Pikus', written in a cursive style.

David H. Pikus

DHP/1

Enc.

cc (w/o enc.): Edwin Mills, Esq.  
Robert Izard, Esq.  
Joseph Meltzer, Esq.  
Stephen Tsai, Esq.